



Attorney Docket No.: 2870/155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shah, et al.

Serial No.: 09/324,182

Group Art Unit: 1615

Filed: June 2, 1999

Examiner: Pulliam, Amy

For: Non-Tacky Mascara Composition

RECEIVED
AUG 07 2001
PATENT
TECH CENTER 1600/2900

13/Pre B

Beet
8-16-01

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

The following Preliminary Amendment is submitted as a further response to the Final Office Action dated February 23, 2001 and the Advisory Action dated June 12, 2001. Applicants previously filed, on May 23, 2001, a Response to the Final Office Action, which was considered but not deemed to place the application in condition for allowance. Applicants resubmit the substance of the Response of May 23, 2001 herein, and also are filing concurrently herewith a continued prosecution application. In addition, responses to comments made by the Examiner in the Advisory Action are included in the following remarks.

CLEAN AMENDMENTS

Please amend Claims 1 to 4, 7, 15, 25, 26, and 30 as follows:

Sub
C1
1.(Amended) A mascara composition comprising a seedless but otherwise substantially whole processed fruit or vegetable extract dispersed in a silicone oil.

B1
2.(Amended) The composition of claim 1 in which said whole processed fruit or vegetable extract is present in an amount of about 0.05 to about 0.50 percent by weight of the composition.

3.(Amended) The composition of claim 2 in which said whole processed fruit or vegetable extract is present in an amount of about 0.1 to about 0.4 percent by weight of the composition.